

***Delta Protection Commission
Land Use and Resource Management Plan Update 2008***

Project Launch Part 1: July 16, 2008
Jean Harvie Community Center, Walnut Grove, California

M E E T I N G N O T E S

Note: These notes summarize the conversations of the 7/16/08 Delta Protection Commission Land Use and Resource Management Plan Update Project Launch Part 1. To give input on the Delta Protection Commission Land Use and Resource Management Plan Update, please visit 'Online Opportunity for DPC Management Plan Input' at: <http://www.delta.ca.gov/plan/management.asp>

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WELCOME and GREETINGS

Arne Simonsen, Chair of the Delta Protection Commission (DPC), welcomed participants to the meeting. He explained that the DPC was hosting the meeting because it is genuinely interested in hearing people's suggestions for improving its 1995 Land Use and Resource Management Plan, and to making the Plan more relevant to what is happening in the Delta today.

Lisa Beutler, Meeting Facilitator from the Center for Collaborative Policy (CCP), CSUS, also welcomed participants. Lisa reviewed the evening's agenda and the meeting's ground rules.

Linda Fiack, Executive Director of the Delta Protection Commission (DPC), also thanked participants for attending. She explained that this was the first half of a two-part Project Launch for updating the DPC's Land Use and Resource Management Plan.

THE 2008 UPDATE PROCESS

Linda Fiack provided an overview of the 2008 update process. She explained that the purpose of updating the Plan now, which was created 13 years ago in 1995, was to encourage residents to think across county lines and proactively describe what they wanted to see in the Delta in the future. Since 1995 new information has become available, conditions in the Delta have changed, and several policy processes have begun planning for the Delta's future. Linda noted that the DPC emphasized the importance of updating their management plan in their 2006 Strategic Plan.

Former State Senator Patrick Johnston provided a brief history of the origin of the Delta Protection Act, particularly regional urbanization trends, and its initial intent. The legislative process was challenging, and protecting agriculture, wildlife, and recreation required establishing Primary and Secondary Zones with greater and lesser development potentials, respectively. He noted that it was important now to update the Plan because the Secondary Zone has filled up considerably and created more pressure on the Primary Zone. In addition, there will be a lot of legislative action concerning water and the Delta in the coming year, including possibly a large bond measure. This process was intended to provide an opportunity for residents to come together in their diversity and weigh in on debates about how the Delta and Delta values should be treated in the future, particularly on the land.

In response to a request from participants, Linda Fiack provided additional background information on the purpose and structure of the 1995 Plan, and the role and activities of the DPC. Detailed information on the Commission's membership and an electronic copy of the 1995 Plan can be found on the DPC's website, <http://www.delta.ca.gov>. Linda also explained that ongoing planning processes like Delta Vision and the Bay-Delta Conservation Plan are distinct from, but can be informed by the DPC Management Plan Update process.

So far the update process has included (1) background research on current planning processes that affect the Delta, (2) a small series of interview of stakeholders and DPC Commissioners, and (3) the two-part Project Launch. It will also include (4) a series of short public workshops on specific Plan elements in August, and in the fall (5) a public review draft and comment period and (6) DPC action.

SCOPING SESSION

For this first part of the Project Launch, participants covered five topics:

- (1) Land Use & Development
- (2) Utilities and Infrastructure
- (3) Levees (including Emergency Response & planning)
- (4) Marine Patrol, Boater Education, and Safety Programs, and
- (5) New Plan Elements

The remaining topics were covered in part two of the Project Launch, held on July 21 (see the notes from part two for more information).

Participants divided themselves into two smaller groups and went through their workbooks. The workbooks were designed to provide participants with essential information on each of the Plan's nine elements, including some context and the goals and policies for each element.

After reviewing this material individually, participants spent an extended period of time discussing their responses in the two small groups. To guide discussion, participants were asked to identify things they would like to change, expand, or delete from the 1995 goals and policies. At the end of the evening, once they had covered all the topics, the two groups shared and discussed their comments and suggestions with each other and with staff.

1. Land Use and Development

The Land Use Element's goals include:

Protect the unique character and qualities of the Primary Zone by preserving the cultural heritage and strong agricultural base of the Primary Zone. Direct new residential, commercial, and industrial development within the existing communities as currently designated and where appropriate services are available.

Participants were asked to review these goals and the associated policies, listed in the workbook, then as a group answering the following question:

The Land Use Policies should provide directions that result in achieving the Plan Goals. As part of the 2008 update, what if anything would you add, subtract or change in the Land Use Goals and/or Policies?

During group reports, comments included the following, in no particular order:

- Findings F-11 through F-16 revolve around retirement of farmland to ecosystem as that was identified at time management plan was written. New findings need to be

developed in regards to protection of agriculture and be used to frame recommendations.

- Agriculture should be in the forefront of the land use section.
- Land would always go from agriculture to something else, not vice versa. Agriculture is an endangered species. No policies that recognize that agriculture as part of the future of the Delta, has to be taken in some form so it is not all gobbled up by habitat.
- The economic engine is threatened during restoration. Taking out of agriculture, and tax base. A policy needs to be developed for mitigation of agriculture. R-3 could be made into a policy and perhaps R-2 and F-16 as well.
- P-2, where it states “recreation land uses shall be supported in appropriate locations and where the recreation uses do not conflict with agricultural land uses...” Add that habitat should also not conflict with agricultural land uses.
- Concern that over time larger ag. parcels would be valued more for residential and that big parcels would be subdivided. Through voluntary actions, there should be monetary incentive to keep large parcels from being subdivided.
 - TDRs should be pushed as they can help the economy.
 - But need to go beyond that. Easement program would capture value of zoning and be a voluntary program so that people can avoid subdividing.
- Concern that DPC is being bypassed by other Delta processes dealing with land use. MPU needs to address how to meet challenges of other agencies as DPC is supposed to be the ‘watchdog.’
- Is Delta Vision a threat to agriculture lands in primary zone being protected from intrusion of non-agricultural uses?
 - DPC needs certain scientific expertise on board to really analyze what’s going on and implement the policies.
 - Delta Vision has recommendation for a Science Board; boards can be dictated by that Plan.
- Groundwork needs to be laid in this section.
 - Hard lines need to be developed.

- Desired outcomes need to be made more specific.
- DPC policies should be able to be applied to more than local government (i.e., state and federal).
- Confusion regarding what ‘development’ means as it could mean houses or shopping, but could be habitat or a winery, not restricted to actual physical structures. Need to make this more clear.
 - Need to differentiate between development related to agricultural facilities (e.g. processing plants and related infrastructure) and other types of development and have policies that can support the development of agricultural facilities.
 - Agricultural effluent should be accommodated perhaps through a policy dealing with water treatment.
 - Finding needs to be developed related to agricultural housing and activities. Some development isn’t bad and will help maintain agriculture in the Delta. Populations have been reduced compared to generations ago. Labor camps have been stopped in the Delta and a lot of labor is coming from Lodi.
- New technologies have been developed in regards to recreation. Plan needs to have more specific ideas about recreational facilities to be effective.
- Land uses that meet multiple intentions should be promoted (e.g., agriculture and recreation or ecology and agriculture).
 - Need to address inconsistencies with plan and the development of new recreational facilities as new marinas haven’t been built in 10 years and new facilities are necessary for the Delta recreation to persist.
 - Could agricultural zoning and wants variances be allowed in order to allow new development that supports agriculture?
- FEMA is talking about decertifying all the levees, so new Delta Vision plan can be pushed forward which will change complexion of everything. Plan update needs to address that.
 - As land owners can feel that they are victims of government policies in regards to changing flood designations, it should be clarified in the Act that eminent domain is not allowed by DPC.
- Protecting and maintaining are key provisions, stop dreaming about enhancing and restoring. Enhance and restore only when possible.

- DPC is not a regulatory agency, but someone needs to stand up for the landowner's views in regards to issues like mini eminent-domains, restrictions and regulatory takings.

2. Utilities and Infrastructure

The Utilities and Infrastructure Element's goals include:

Protect the Delta from excessive construction of utilities and infrastructure facilities, including those that support uses and development outside the Delta. Where construction of new utility and infrastructure facilities is appropriate, ensure the impacts of such new construction on the integrity of levees, wildlife, and agriculture are minimized.

After individual review of the goals and associated policies, the two groups were asked to answer the following question:

The Utilities & Infrastructure Policies should provide directions that result in achieving the Plan Goals. As part of the 2008 update, what if anything would you add, subtract or change in the Utilities & Infrastructure Goals or Policies?

During group reports, comments included the following, in no particular order:

- Concern about loss of infrastructure for boat transportation. No policy about water transportation, a policy is needed to address this issue.
- P-5 – needs to be reviewed, rewritten. Too much traffic is going through Delta, additional traffic should not be allowed.
- Infrastructure corridors are needed wherever possible.
 - These should be an organizing principle, not a mandate. In primary zone there has been construction of gas lines and other new infrastructure. Coordination of this construction would help ease the construction and prevent conflicts.
 - If infrastructure is in a central corridor, it could then be armored in case disaster happens and the disaster impact would be reduced on agriculture and habitat.
- As there is an increase in demand for roadways there needs to be a users fund facility for roads, water and conveyance, railroads, levees.
- Need to permit processing of wastewater in the Delta for agricultural purposes.

- Original language of the policy (P-3) was in regards to facilities outside of Delta, that they should not have the capabilities to process wastewater within the Delta. But facilities within the Delta should have this capability.
- P-3 in water - Need water conveyance section based off of BCDC. Needs to be sufficient flow of freshwater through Delta for natural flushing action.
 - Use North Delta Water Agreement of 1981 to inform P-3, shouldn't just be CALFED.
- Need discussion of nexus of levee to water transfer/need to protect the in Delta infrastructure and prevent abandonment of Delta as a result of peripheral canal.
- Lack of emphasis on roads and transportation.
 - Traffic now flies through Delta, which is different than when management plan was created years ago. Heavy truck traffic shall be redirected to highways, general plans should be leveraged to do this.
 - Cut-throughs between Sacramento and Yolo Counties can be developed.
- Plan currently restricts general aviation airports in Delta.
 - This causes dilemmas as some agriculture folks want to expand Rio Vista airport to get equipment.
 - DPC should have the discretion to allow for an agriculture-related airport.
- Need to formulate consistent 5-county policy that allows primary zone to develop economically as right now they have different taxes and permitting
 - Clustered development means farmers further out do not get any benefits – basically means sub-sector of population is ignored.
 - Transferable development rights are an option for addressing this, yet raises dilemma that purpose of act is to protect agriculture,
 - This has back-fired and killed wineries and other industries.
 - Perhaps a right to farm policy is necessary.
- More restrictions should not be added on management of gasfields/wells and the practices that landowners have been able to do for years should be protected and preserved.

3. Levees (including Emergency Response and Planning)

The Levees Element's goals include:

Support the improvement and long-term maintenance of Delta levees by coordinating permit reviews and guidelines for levee maintenance. Develop a long-term funding program for levee maintenance. Protect levees in emergency situations. Give levee rehabilitation and maintenance the priority over other uses of levee areas.

After individual review of the goals and associated policies, the two groups were asked to answer the following question:

The Levees Policies should provide directions that result in achieving the Plan Goals. As part of the 2008 update, what if anything would you add, subtract or change in the Levees Goals or Policies?

During group reports, comments included the following, in no particular order:

- Emphasize the importance of keeping vegetation on levees.
 - P-1 – The last word ‘allowed’ can be changed to ‘encourage.’
 - P-1 – Emphasize the need for more consistency on the issue of levee vegetation amongst different groups.
- Need to address legal access on levees as people are using them recreationally, creating integrity issues (cross referenced for discussion on recreation and access element at 7/21/08 workshop).
- As there is debate about whose climate change forecasts to believe, it is difficult to re-evaluate related levee policies.
 - However, FEMA and climate change should be somehow acknowledged and addressed in levee policies.
 - SB5 should be addressed.
- Consider remapping and FEMA recertification as no where in Delta has 200 year floodplain protection.
- DPC policies should be involved and reflect emergency preparedness and response,
 - Should have a county-wide coordinating role.

- Should include the need to clarify role and overlap with OES and reclamation districts.
- Should include need for safety exercises.

4. Marine Patrol, Boater Education, and Safety Programs

Unlike the other elements, the Marine Patrol and Boater Education Element does not have specific goals. Instead it attempts to address the inadequacies of service caused by lack of funds, multiple jurisdictions, and conflicting missions.

After individual review of the associated policies, the two groups were asked to answer the following question:

The Marine and Boating Policies should provide directions that result in achieving the overall Plan Goals. As part of the 2008 update, what if anything would you add, subtract or change in the Goals or Policies?

During group reports, comments included the following, in no particular order:

- Not enough sherrifs patrol on the water
 - They are stressed beyond any reasonableness and people take advantage of this.
 - Findings on this issue need to be beefed up.
 - General enforcements need to be increased.
- More tule berms, now called channel islands.
 - Need to restore them as they protect levees from the detrimental effects of wakes.
- Destination locations are often impacted from external uses. Not always the local folks creating an issue.
 - Needs to establish zones on waterways. Look into Sacramento Counties boating zones. They used Contra Costa County as a pilot.
- Is the title of the section appropriate in regards to the intent?

- Is there redundancy between Department of Boating & Waterways and Coastal Commission?
 - Nothing is being done about abandoned vessels, concern that government does not carry out its responsibility.
 - Not just a trespass issue, but a resource and contamination issue.
 - DPC's responsibilities on this should be determined and made sure they are not redundant with other agencies.
- DPC should stay out of boater education.

5. New Plan Elements

Since preparation of the original Management plan 13 years ago in 1995, a number of significant events have occurred. Issues such as climate change, flood risk and invasive species have created new pressures. In addition, new information about the state of the Delta, Delta Vision (a major initiative of the Governor) and several other initiatives have prompted new interest in updating the Delta Management Plan. Policy makers are also revisiting the overall structure of Delta governance.

For this section, the two groups were asked to answer the following question:

The Management Plan Elements should provide directions that result in achieving the overall Plan Goals. As part of the 2008 update, what if anything would you add, subtract or change in the Goals or Elements?

- No specific new elements were proposed as the new issues that were discussed had all fit into one of the elements discussed at this workshop, or were cross referenced for discussion at the 7/21/08 workshop.

NEXT STEPS and THANK YOU

Following the group reports and collective discussion, Arne Simonsen, Linda Fiack and Lisa Beutler thanked participants for their time and contributions. Arne and Linda reiterated that they intended to use the comments and suggestions to develop draft text for an updated plan, and that participants would have several more opportunities to comment on the development of a revised plan. Opportunities would include small topical workshops on individual plan elements in August, and a public review draft of a revised Plan later in the fall.

Linda also reminded participants that the second part of the Project Launch would be held the coming Monday, July 21, in Antioch, and that it would cover the remaining Plan

elements. Participants were encouraged to attend and to invite their friends to join the process as well.

ATTENDANCE

Individuals

John Bohl
Peggy Bohl
Darlene Dawson
Former Senator Patrick Johnston
Gil Labrie
Robert Macaulay
Gary Merwin
Tim Neuharth
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